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FAX FILING IN U.S. PATENT & TRADEMARK OFFICE

DATE: February 20, 2006

TIME: _____

TO:	Examiner Loan H. Thanh	FAX NO.:	(703) 872-9306 (571) 273-4966
FROM:	Joshua L. Cohen	ADMIN. ASST.:	Anne Pinto
APPLN. NO.:	10/087,579	ATTY. DOCKET NO.:	QDI-105US3
TITLE OF APPLN.: DEVICE AND METHOD FOR SAMPLE COLLECTION			
FILING DATE:	February 28, 2002	ART UNIT:	3763
FIRST INVENTOR:	Rod Miller	CONF. NO.:	5124
TITLE OF DOCUMENT (and List of Attachments): Terminal Disclaimer, Transmittal, Fee Trans (2)			

Total Number of Pages: 4 (including this form)

COMMENTS

Examiner Thanh,
Per your request, enclosed please find the Terminal Disclaimer. Any questions, please contact Joshua L. Cohen at (610) 993-4240.

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PTO/SB/21 (09-04) (AW 10/2004)

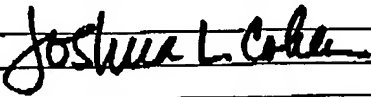
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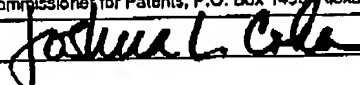
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/087,579
	Filing Date	February 28, 2002
	First Named Inventor	Rod Miller
	Art Unit	3763
	Examiner Name	Loan H. Thanh
Total Number of Pages in This Submission	Attorney Docket No.	QDH-105US3

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm Name	RatnerPrestia		
Signature			
Printed Name	Joshua L. Cohen		
Date	February 20, 2006	Registration No.	38,040

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Signature			
Typed or Printed Name	Joshua L. Cohen	Date	February 20, 2006

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
QDI-105US3

In re Application of: Rod Miller et al.
 Application No.: 10/087,579
 Filed: February 28, 2002
 For: DEVICE AND METHOD FOR SAMPLE COLLECTION

The owner, Quest Diagnostics, Inc. of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term prior patent No. 6,488,669 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

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- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims cancelled by a re-examination certificate;
- is reissued; or
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2. ☒ The undersigned is an attorney or agent of record. Registration No.: 38,040

Joshua L. Cohen
 Signature

2/20/06
 Date

Joshua L. Cohen
 Typed or printed name

(610) 407-0700
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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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